

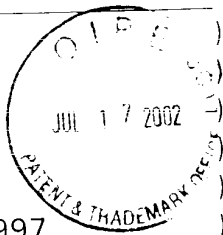
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Rabbani et al.

Serial No. 08/978,635

Filed: November 25, 1997

Title: **PROCESS FOR SELECTIVE EXPRESSION
OF NUCLEIC ACID CONSTRUCTS**
(As Previously Amended)



Group Art Unit: 1635

Examiner: Mary M. Schmidt

527 Madison Avenue, 9th Floor
New York, New York 10022
July 17, 2002

FILED BY EXPRESS MAIL

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Box DAC

Attention: **Office of Deputy Assistant Commissioner for Patents**
2121 Crystal Drive, Crystal Park 2 - Suite 913
Arlington, Virginia 22202

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OFFICE OF PATENTS

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed. A response to the previously issued January 17, 2001 Office Action was originally due on April 17, 2001, and that deadline was extended to July 17, 2001 by a Request For Continued Examination (RCE) filed on July 17, 2001. Upon the expected granting of this Petition, the accompanying response in the form of an Amendment Under 37 C.F.R. §1.115 will be considered as having been timely filed.

Enz-53(D4)

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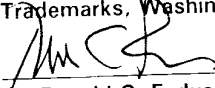
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Abandoned Application - July 17, 2002)

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL64788448US

Deposit Date July 17, 2002

I hereby certify that this paper and the attachments
herein are being deposited with the United States Postal
Service "Express Mail Post Office to Addressee" service
under 37 CFR 1.10 on the date indicated above and is
addressed to the Commissioner of Patents and
Trademarks, Washington DC 20231.



Ronald C. Fedus
Reg. No. 32,567

JULY 17 2002

Date

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The above-identified application is believed to have become unintentionally abandoned after July 17, 2001, which was the date that a response to the January 17, 2001 Office Action was due following Applicants' extension request set forth in their July 17, 2001 RCE. A Communication was mailed on August 8, 2001 indicating that "[t]he request for suspension of action under 37 C.F.R. 1.103 has been approved. The suspension of action will terminate 03 months after date the request for suspension of action was filed." Subsequently, a second Communication was mailed on October 26, 2001 indicating that "Applicants' RCE filed July 17, 2001 is improper. Suspension mailed to applicant August 8, 2001 is not valid. See attached." Finally, a third Communication was mailed on February 26, 2002 which included a Notice of Abandonment. Copies of the August 8, 2001 Communication, the October 26, 2001 Communication and the February 26, 2002 Communication are attached as Exhibit 1.

It is hereby requested that this application be revived because the entire delay in filing the response to the January 17, 2001 Office Action until the filing of this Petition was unintentional. A Terminal Disclaimer To Accompany Petition is attached to this paper as Exhibit 2.

As indicated above, a response to the January 17, 2001 Office Action in the form of an Amendment Under 37 C.F.R. §1.115 is being submitted concurrently herewith and is attached as Exhibit 3.

The fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$640.00 for a small entity. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite large entity fee of \$640.00. The Patent and Trademark

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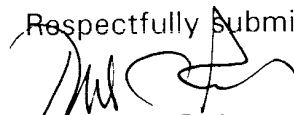
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Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition, the attached Amendment (Exhibit 3), or Terminal Disclaimer (Exhibit 2).

A duplicate copy of this Petition but without attached Exhibits 1-3 is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully Submitted,



Ronald C. Fedus

Registration No. 32,567

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**news
release**

Enzo Biochem, Inc.
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For Release July 10, 1996

Contact: Barry Weiner
(212) 856-0876

**ENZO BIOCHEM REPORTS PRECLINICAL FINDINGS
AT INTERNATIONAL AIDS CONFERENCE**

Company Announces Successful Creation of Immune Cells Resistant to HIV

VANCOUVER, British Columbia, July 10, 1996 -- Enzo Biochem, (ASE:ENZ) of Farmingdale, NY announced today that its scientists and collaborators have produced human immune cells that are completely and stably resistant to multiple challenges of HIV. This approach is targeted to provide the medical community with a powerful new weapon in the fight against AIDS. The Company said that following completion of the preclinical studies, it plans to move ahead towards the development of protocols for human clinical studies.

These findings were released today at the 11th International Conference on AIDS in a presentation by Norman Kelker, Ph.D., Senior Vice President of Enzo and a participating scientist at the conference. The studies show that CD4+ cells, that are normally sensitive to HIV-1 infection, are protected when treated with Enzo's antisense construct. Resistance to HIV-1, which was shown to correlate with production of antisense RNA by the cells, could lead to restoring immune competence in patients, even in the presence of challenge by HIV.

"We have now successfully demonstrated that we can create CD4+ cells that are resistant to HIV-1 and that maintain their resistance to the virus over a prolonged period," said Dr. Kelker. "This is a very important step in moving towards the development of an effective clinical product for HIV therapy. We believe that our antisense therapy alone, or in combination with already established protocols, can become an effective and widely applied treatment for HIV-infected individuals."

Enzo's approach utilizes methods to overcome effects due to the variability and mutability of the virus and to localize the antisense in the cell nucleus where its antiviral activity is most effective. The Company noted that, unlike currently used treatments aimed at viral reverse transcriptase or protease, its antisense approach is designed not to require repeated applications.

- more -

According to the report, which presents results from a more than year-long study, Enzo's therapeutic approach is aimed at inhibiting expression of HIV-1 genes by antisense RNA. The approach is gene specific and does not affect cellular genes. Thus, the establishment of such antisense-producing immune cells in the patient could protect against collapse of the immune system in AIDS patients. The therapy would be applied to immune cells removed from the patient and altered *ex vivo*, that is, outside the body, by the introduction of antisense producing genes. Altered cells reimplanted in the patient are expected to propagate HIV-resistant immune cells.

Enzo Biochem is engaged in the research, development and manufacture of innovative health care products based on molecular biology and genetic engineering techniques, and in providing diagnostic services to the medical community.

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